



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
Martinez, Eleazar Rodriguez,  
Defendant.

Case No.: SA 10-73M-2  
ORDER OF DETENTION

I.

- A. ☒ On motion of the Government in a case allegedly involving:
1. ☐ a crime of violence.
  2. ☐ an offense with maximum sentence of life imprisonment or death.
  3. ☒ a narcotics or controlled substance offense with maximum sentence of ten or more years.
  4. ☐ any felony - where defendant convicted of two or more prior offenses described above.
  5. ☐ any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

- 1 B. ( ) On motion by the Government/( ) on Court's own motion, in a case  
 2 allegedly involving:  
 3 ~~(X)~~ On the further allegation by the Government of:  
 4 1. ~~(X)~~ a serious risk that the defendant will flee.  
 5 2. ( ) a serious risk that the defendant will:  
 6 a. ( ) obstruct or attempt to obstruct justice.  
 7 b. ( ) threaten, injure or intimidate a prospective witness or  
 8 juror, or attempt to do so.  
 9 C. The Government ~~(X)~~ is/( ) is not entitled to a rebuttable presumption that no  
 10 condition or combination of conditions will reasonably assure the defendant's  
 11 appearance as required and the safety of any person or the community.  
 12

## 13 II.

- 14 A. ~~(X)~~ The Court finds that no condition or combination of conditions will  
 15 reasonably assure:  
 16 1. ~~(X)~~ the appearance of the defendant as required.  
 17 ~~(X)~~ and/or  
 18 2. ~~(X)~~ the safety of any person or the community.  
 19 B. ~~(X)~~ The Court finds that the defendant has not rebutted by sufficient evidence  
 20 to the contrary the presumption provided by statute.  
 21

## 22 III.

23 The Court has considered:

- 24 A. (X) the nature and circumstances of the offense(s) charged, including whether  
 25 the offense is a crime of violence, a Federal crime of terrorism, or involves  
 26 a minor victim or a controlled substance, firearm, explosive, or destructive  
 27 device;  
 28 B. (X) the weight of evidence against the defendant;

- 1 C. (X) the history and characteristics of the defendant; and  
2 D. (X) the nature and seriousness of the danger to any person or the community.  
3

4 IV.

5 The Court also has considered all the evidence adduced at the hearing and the  
6 arguments and/or statements of counsel, and the Pretrial Services  
7 Report/recommendation.  
8

9 V.

10 The Court bases the foregoing finding(s) on the following:

- 11 A. (X) As to flight risk:

12 Backgrd, conty ties unknown;  
13 bail resources unknown;  
14 foreign citizenship and temporary  
15 ~~unconfirmed~~ immigr status;  
16  
17  
18  
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- 21 B. (X) As to danger:

22 Nature of allegations  
23  
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VI.

- 1
- 2 A. ( ) The Court finds that a serious risk exists the defendant will:
- 3 1. ( ) obstruct or attempt to obstruct justice.
- 4 2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.
- 5 B. The Court bases the foregoing finding(s) on the following:

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7 \_\_\_\_\_

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VII.

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- 11 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
- 12 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of
- 13 the Attorney General for confinement in a corrections facility separate, to the
- 14 extent practicable, from persons awaiting or serving sentences or being held in
- 15 custody pending appeal.
- 16 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
- 17 opportunity for private consultation with counsel.
- 18 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
- 19 request of any attorney for the Government, the person in charge of the
- 20 corrections facility in which defendant is confined deliver the defendant to a
- 21 United States marshal for the purpose of an appearance in connection with a
- 22 court proceeding.

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24 DATED: 2/23/10

  
\_\_\_\_\_  
ROBERT N. BLOCK  
UNITED STATES MAGISTRATE JUDGE

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